

Rogers et al. v. U.S. Dept. of Health and Human Servs., et al.

Exhibit B

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and
Memorandum in Support Thereof**

Excerpts from Deposition of Jacqueline Lowe

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

EDEN ROGERS and

BRANDY WELCH,

Plaintiffs,

vs.

CASE NO. 6:19-cv-01567-TMC

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES;
ALEX AZAR, in his official capacity as SECRETARY of
the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ADMINISTRATION FOR CHILDREN AND FAMILIES;
LYNN JOHNSON, in her official capacity as ASSISTANT
SECRETARY of the ADMINISTRATION FOR CHILDREN AND
FAMILIES;
SCOTT LEKAN, in his official capacity as PRINCIPAL
DEPUTY ASSISTANT SECRETARY of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;
HENRY MCMASTER, in his official capacity as
GOVERNOR of the STATE OF SOUTH CAROLINA;

MICHAEL LEACH, in his official capacity as STATE
DIRECTOR of the SOUTH CAROLINA DEPARTMENT OF SOCIAL
SERVICES,

Defendants.

VIDEOTAPED

DEPOSITION OF: JACQUELINE LOWE
(APPEARING VIA VIRTUAL ZOOM)

DATE: June 3, 2021

TIME: 9:27 AM

REPORTED BY: TERRI L. BRUSSEAU
(APPEARING VIA VIRTUAL ZOOM)

1 bed space or household members own care needs may
2 exceed what would be time available for care and
3 all that is in foster care. So those would be some
4 of the reasons that a family may not be
5 recommended.

6 Q. Okay. And if -- if a CPA reaches that
7 determination during the process of working with
8 the family, does the CPA have to let DSS know,
9 basically say, hey, we have this family, we've
10 got -- you know, we went through the process but
11 we've determined not to recommend them?

12 A. They do not, but they do have to inform
13 the family of the reasons why they would not be
14 recommended for licensure.

15 Q. Okay. And the -- sort of the role that
16 the private CPAs play and the support that they
17 provide prospective foster families throughout the
18 application process, is that -- is that pretty
19 uniform or pretty standard across CPAs or are there
20 differences in the type of support that one CPA
21 might offer versus another?

22 A. I'm not aware of any differences for
23 the most part. I do know that they would work with
24 the applicants providing the home visits,
25 interviewing licensure. And then once the

1 applicant or family is licensed, going to the home,
2 meeting with the family -- meeting with the family
3 to offer support.

4 Q. Okay. I'm just looking at the -- at my
5 transcript here to make sure I got that.

6 A. Yeah, I saw where it was unstable. I
7 just didn't know if I needed to repeat.

8 Q. I see. So I believe you said I'm not
9 aware of any differences for the most part, I do
10 know that they would work with the applicants
11 providing the home visits, interviewing licensure,
12 and then once the applicant or family is licensed,
13 going to the home meeting with the family to offer
14 support.

15 A. Yes.

16 Q. So there's -- there are -- there's a
17 role that the CPAs fill after -- after the family
18 is licensed by DSS, is that right?

19 A. That is correct.

20 Q. And what -- how do they -- what type of
21 support do they typically provide after the
22 family's been licensed?

23 A. As part of the ongoing licensing
24 process, the family has an assigned -- for DSS it's
25 a family support worker for the CPA that's a family

1 worker that will visit with the family in the home
2 on a quarterly basis, but they may go more often
3 depending upon the needs of the family as well as
4 the children's place.

5 And it's an opportunity to meet with
6 the children, meet with the family to discuss any
7 concerns, to hear from them how things are going,
8 to answer questions, to make sure they are
9 connected to services and identify any unmet needs
10 to see what resources the family may need and then
11 also to see if there's been any changes that need
12 to be reported that may impact the continued
13 eligibility for licensure. So it's a means of
14 staying connected with the family to offer support
15 to the family as well as to any children that might
16 be placed.

17 Q. And is there a system in place by which
18 the CPA would report back to DSS about a given
19 family that has had a child placed with them and
20 how everything is going or is that not a formalized
21 process?

22 A. It is a formalized process in a couple
23 of ways. If there is a child placed, that there's
24 a foster care worker with the Department, so any
25 concerns about the child in the home will be

1 asking in your personal capacity. If a family who
2 is interested in being a foster family goes to a
3 CPA and faces discrimination in -- in that process,
4 they're turned away, can you necessarily count on
5 them to apply to be a foster parent through a
6 different CPA?

7 MR. COLEMAN: Object to the form of the
8 question.

9 THE WITNESS: Families are aware that
10 there are a number of agencies that are available
11 that they can apply through to become licensed or
12 that they could consult with the Department of
13 Social Services.

14 BY MS. JANSON:

15 Q. Do you -- do you think families are
16 necessarily aware of the particular beliefs or
17 requirements of any given CPA?

18 A. They may not be until they've either
19 done research or talked with others. I think on
20 the surface, just with the name, they wouldn't know
21 about a specific agency.

22 MS. JANSON: Okay. I think we are -- I
23 think we are getting -- not making any promises,
24 but I think we're getting to the end, so thank you
25 very much for bearing -- bearing with me. Okay.

1 Q. Is that -- do you know is that
2 University Ridge where all the state and county
3 offices are?

4 A. Yes, that is correct.

5 Q. Okay. And you may have already said
6 this. South Carolina DSS will gladly accept any
7 application from anyone who is qualified and who
8 wishes to be licensed as a foster parent without
9 regard to their religion, lack of religion, sexual
10 orientation or marital status, is that correct?

11 A. That is correct.

12 Q. So a person who applies -- a
13 prospective foster parent who applies with a CPA,
14 we use that figure of speech, they apply to or
15 apply with a CPA, really the application to be a
16 foster parent is submitted to DSS, right?

17 A. To issue the license, that's correct.
18 DSS is the only state entity that can issue a
19 foster family license.

20 Q. Okay. And a CPA couldn't prevent
21 someone from being licensed even if they -- even if
22 the CPA didn't want to -- didn't want to work with
23 a particular person, they refer them to another
24 agency or to DSS, they can't prevent them from
25 getting licensed, can they?

1 A. No. An individual can go to any entity
2 or to DSS.

3 Q. Okay. And I think you said -- I think
4 you said -- and I touched on this a second ago. In
5 or around July of 2020, for what sounds like a
6 variety of reasons that you already touched on,
7 that SCDSS has decided to focus on what you called
8 kinship care, right?

9 A. That's correct.

10 Q. And I think you said a family can, if
11 they want, however -- let me -- I didn't ask that
12 well.

13 Even when SCDSS has focused on kinship
14 care in the past year or so, a family who wants to
15 be licensed as a foster parent, not in the kinship
16 care but as a -- more generally as a foster parent,
17 can, if they want, still work directly with SCDSS,
18 is that right?

19 A. What was that last part? It went away.

20 Q. It's still possible for a prospective
21 foster parent or couple to work directly with DSS,
22 is that right?

23 A. Yes. Yes.

24 Q. So if -- if a prospective foster parent
25 can't or doesn't want to work with a CPA, they can

1 work with DSS?

2 A. They can.

3 Q. Even today?

4 A. Even today.

5 Q. And it's still -- has been and still is
6 the policy of DSS that the decision of where a
7 child in foster care will be placed, what foster
8 parent's home that child will be placed in, that's
9 DSS's decision, not the CPA's decision, right?

10 A. That's correct.

11 Q. Okay. You might -- you probably
12 remember Exhibit 3. It was a two-page like a table
13 or a chart with a lot of amounts. It listed all I
14 think 28 CPAs and a whole bunch of different
15 amounts of funding over various periods of years.

16 Do you remember we talked about that I
17 think early on --

18 A. Yes.

19 Q. -- today? Okay. I don't -- I don't
20 mean to be tedious, but I do want to go through a
21 couple of -- I don't think it will take super long,
22 but I know we came back to that document several
23 times and it may be that my note taking got a
24 little bit disjointed. I just want to make sure
25 we -- we've covered all the bases there.

1 If you have it in front of you, that's
2 fine. I don't think you need to pull it up in
3 front of you if you don't.

4 A. I have it.

5 Q. Basically -- okay. Basically what I
6 want to do is I'm going to try to go through in
7 alphabetical order. I just want to -- just so
8 that -- so we've got a clear record and so my own
9 notes can get clearer, figure out which CPAs are
10 operating in the upstate that offer nontherapeutic,
11 perhaps along with therapeutic care, whether they
12 have an office in the upstate and approximately how
13 long they've been licensed.

14 So I think we can -- we can run through
15 these hopefully without it being too tedious, but I
16 apologize in advance if it is a little bit
17 mechanical. So I'm trying to go through them.

18 Church of God Home For Children. They
19 offer nontherapeutic care and they have an office
20 in the upstate, right?

21 A. Yes.

22 Q. And they've been licensed I think you
23 said for maybe ten years or so, is that ballpark
24 correct?

25 A. Yes.

1 Q. Okay. Connie Maxwell Children's
2 Ministries, they are also in the upstate. They
3 serve the upstate. They have an office in the
4 upstate, offer nontherapeutic foster care and
5 they've been licensed for several decades, is that
6 correct?

7 A. That is correct.

8 Q. Epworth Children's Home serve in the
9 upstate, have an office in the upstate, offer
10 nontherapeutic foster care and they've been
11 licensed for several years?

12 A. Several decades. And they also have
13 nontherapeutic and therapeutic.

14 Q. Okay. Growing Home Southeast. This is
15 over my notes are complete. I think they serve the
16 upstate. Do you know if they have an office in the
17 upstate?

18 A. They do not have an office in the
19 upstate, but they do work statewide.

20 Q. Okay. And they do both therapeutic and
21 nontherapeutic, is that right?

22 A. That's correct.

23 Q. And they've been licensed for 15 years
24 or so?

25 A. Or so, yes.

1 Q. Okay. Lutheran Services Carolinas.
2 They serve the upstate, they don't have an office
3 in the upstate, but they offer nontherapeutic and
4 therapeutic and they've been licensed for a couple
5 decades?

6 A. Correct.

7 Q. Okay.

8 A. Yes.

9 Q. Miracle Hill Ministries, which we've
10 talked about, they have an office in the upstate,
11 they do nontherapeutic foster care, they've been
12 licensed for several decades and they serve the
13 upstate?

14 A. Yes.

15 Q. New Foundations Home For Children, I
16 believe they serve the upstate, have an office in
17 the upstate, offer nontherapeutical foster care and
18 been licensed for several years, is that right?

19 A. Yes. That is correct.

20 Q. I think we're about halfway -- halfway
21 through the list. Thanks for hanging with me.

22 Nightlight Christian Adoptions serve
23 the upstate, have an office in the upstate,
24 nontherapeutic foster care, and they've been
25 licensed for several years?

1 A. They've been licensed for several years
2 as an adoption agency and only most recently added
3 foster care services to their list.

4 Q. Okay. Do you know when -- when they
5 were licensed as a CPA to be foster care?

6 A. It's probably been a couple of years,
7 not very long.

8 Q. Okay. Two to three, four years, that
9 ballpark?

10 A. That ballpark, yes.

11 Q. Okay. South Carolina MENTOR serve the
12 upstate. Do they have an office in the upstate, do
13 you know?

14 A. They do.

15 Q. Okay. They offer nontherapeutic foster
16 care, have been licensed for several decades --

17 A. Therapeutic --

18 Q. -- is that right?

19 A. Therapeutic and nontherapeutic services
20 are offered.

21 Q. Okay. South Carolina Youth Advocate or
22 SCYAP sometimes I think later referred to as, they
23 serve the upstate, they don't have an office in the
24 upstate, they do therapeutic and nontherapeutic and
25 they've been licensed for about 30 years, is that

1 right?

2 A. Yes.

3 Q. Okay. Southeastern Children's Home,
4 they serve the upstate. Do they have an office in
5 the upstate?

6 A. Southeastern, yes.

7 Q. Okay. They do nontherapeutic foster
8 care and it looks like they also have been licensed
9 for looks like about 40ish years. Does that sound
10 right?

11 A. Yes.

12 Q. Specialized Alternative For Family and
13 Youth, I think you said sometimes it's -- they go
14 by the acronym SAFY or SAFY?

15 A. SAFY.

16 Q. They serve the upstate, have an office
17 in the upstate, offer both therapeutic and
18 nontherapeutic and been licensed since the 1990s.
19 Is that all correct?

20 A. That is correct.

21 Q. Okay. Tamassee DAR School, if I'm
22 pronouncing that right, I think you said they
23 closed at some point in 2019. But prior to that,
24 and at least you said, into some part of 2019 they
25 were licensed as a CPA, is that --

1 A. That is -- that's correct.

2 Q. They do nontherapeutic foster care,
3 serve the upstate, they -- do you know if they have
4 an office in the upstate?

5 A. They did.

6 Q. Okay. The Bair Foundation has an
7 office in the upstate, serves the upstate, have
8 therapeutic and nontherapeutic foster care and
9 they've been licensed for about 20 years. Is that
10 all correct?

11 A. That's correct.

12 Q. Then -- let's see. Thornwell. Let's
13 see. Serves the upstate, office in the upstate,
14 nontherapeutic foster care and they've been
15 licensed for a number of years?

16 A. Um-hum. Yes.

17 Q. And then I think the last -- the last
18 one, this is one that I have written in, so -- from
19 your testimony -- so correct me here. I can't read
20 my own writing. Family Preservation? Is that --

21 A. Um-hum. Family Preservation Community
22 Services.

23 Q. Okay. So they serve the upstate. Do
24 they have an office in the upstate?

25 A. They serve statewide, but they do not

1 have an office in the upstate.

2 Q. Okay. They do nontherapeutic foster
3 care?

4 A. And therapeutic.

5 Q. And do you know ballpark how long
6 they've been licensed as a CPA?

7 A. It's been awhile, so certainly more
8 than ten years.

9 Q. Okay. I just wanted to -- for the ones
10 we just -- we just discussed, I think it's around
11 15 or 16 or so that at least serve the upstate,
12 some of them you said don't have an office here.
13 I'm trying to find an example.

14 Southeastern Children's Home, they
15 do --

16 A. Right.

17 Q. So let's use Southeastern as an
18 example. If -- if I wanted to be licensed as a
19 foster parent, I did a Google search for a foster
20 care agency in Greenville, South Carolina and I
21 think -- I just like the sound of that name, I
22 click on it. If I wanted to talk to and to apply
23 through that to DSS, how would I go about doing
24 that if they don't have an office?

25 A. You would -- sure. There is a main

1 for it. So I'll give you an example that like I'm
2 familiar with myself.

3 SCYAP, the South Carolina Youth
4 Advocate Program, they offer transportation
5 services to foster children through a contract with
6 DSS, is that right?

7 A. That is correct.

8 Q. So if a child -- a child in foster care
9 in Columbia needs to do a visit with his or her
10 biological family in Greenwood, SCYAP would send a
11 driver, transport the child there and back, that --
12 that's something that's funded -- that's separate
13 from CPA work, right?

14 A. Yes.

15 Q. Okay. So leaving that aside, let's
16 just talk about that the -- that the reimbursement
17 that a CPA received for doing CPA work. Is it
18 accurate to say that a CPA's expenses and efforts
19 to recruit foster parents is not in any way
20 reimbursed under or funded by state or federal
21 dollars, is that correct?

22 A. That would be correct.

23 Q. Say, for example, if -- if The Bair
24 Foundation took out a billboard on Bull Street in
25 Columbia that said South Carolina needs foster

1 parents, call Bair Foundation today, they would pay
2 somebody to do -- the ad agency for that billboard,
3 they would never get that expense reimbursed from
4 SCDSS or the federal government, would they?

5 A. That's correct.

6 Q. That they would not?

7 A. They would not submit an invoice for
8 reimbursement to DSS.

9 Q. Okay. Or if -- I'm trying to think of
10 another example. Let's say Connie Maxwell. Let's
11 say that they send someone to go visit the Rotary
12 Club in Hartsville to talk to the Rotary Club about
13 the need for foster parents. The time and the
14 expense, the salary of that person from Connie
15 Maxwell going to that, that's never reimbursed or
16 paid by state or federal funds, is it?

17 A. It is not.

18 Q. Let's pick a different one. How about
19 SCYAP. When someone comes to them and expresses
20 interest in being a foster parent and SCYAP helps
21 walk with them through the home study and make sure
22 they have got the fire extinguishers and the smoke
23 detectors and that sort of thing, the time and the
24 effort that SCYAP spends on that piece of it,
25 that's never reimbursed by the state or federal

1 government, is it?

2 A. Not for going and working with them at
3 their home. Now, the Department does cover the
4 cost for fire inspections. That is a separate
5 contract with -- that the state has with the
6 Department of Labor, Licensing and Regulation.

7 Q. Okay. But that's not -- the CPA
8 doesn't get funded for that?

9 A. That is correct. The CPA is not funded
10 nor are they submitting an invoice for any
11 reimbursements for that.

12 Q. So kind of up to that point in the
13 process, is it accurate to say that a CPA is never
14 reimbursed or funded for their recruiting and
15 screening activities, is that right?

16 A. That is correct.

17 Q. The only time a CPA starts getting
18 reimbursed for its work as a CPA is after the
19 foster parent or parents as a couple have been
20 licensed by SCDSS and after a child in foster care
21 has been placed by SCDSS into that home, is that
22 right?

23 A. That is correct.

24 Q. And at that point the CPA -- is it --
25 is it kind of like a per diem, daily rate or a

1 if you don't know, you don't know, but do you know
2 what that -- what that daily rate is that goes to
3 the CPA and what the daily rate is that goes to the
4 foster parent or parents?

5 A. I do not, no.

6 Q. Okay. If a foster child who had been
7 placed by SCDSS in a particular foster home, for
8 whatever reason, if that child -- let's say they
9 were reunited with their -- with their biological
10 family or for some other reason, for any reason
11 removed out of that foster home, the CPA at that
12 point would stop getting daily reimbursements
13 related to that child's placement, right?

14 A. Yes. It would end the day the child
15 left the home.

16 Q. Similar question. If a -- if a foster
17 parent or parents who are working with the CPA, if
18 for whatever reason they decided that they would
19 rather go and work directly with DSS or they
20 decided -- let's say maybe they moved to a new area
21 of the state, they wanted to switch to a different
22 CPA or they -- they just felt tired and burnt out
23 and they wanted to take a break from foster.

24 Under any of those scenarios when they
25 either moved to DSS, moved to a different CPA or

1 Q. So I guess what I'm wondering -- and,
2 again, I -- I recognize that it is not your policy,
3 it is not DSS's policy, you're quoting a
4 third-party's policy.

5 But to your knowledge, does Miracle
6 Hill serve all children in foster care without
7 regard to the children's race, color, national
8 origin, sex, age, religion, political beliefs or
9 disability?

10 A. I believe so. I mean, the
11 discrimination complaint was regarding the
12 applicants who would have been the adults, so
13 that's what this was addressing, the foster
14 parents, so I don't believe there was any
15 discrimination towards children.

16 Q. Okay. When earlier when you were being
17 asked questions about this letter and both SCDSS's
18 nondiscrimination policy and the nondiscrimination
19 requirement in the federal regulation that's quoted
20 in there, you said that someone's faith is
21 unrelated to their ability to be a good foster
22 parent, right?

23 A. Right. Yes.

24 Q. And Governor McMaster has never said
25 that anyone's faith is relevant to their ability to

1 marked as Exhibit 12. Let me know when you've got
2 that up in front of you.

3 A. Okay.

4 MR. RIDDLE: You said 12?

5 MR. COLEMAN: 12.

6 THE WITNESS: Okay. I have it.

7 BY MR. COLEMAN:

8 Q. Do you remember you looked at and
9 talked about this, you know, a little bit earlier,
10 this e-mail from Reid Lehman to someone named
11 R. Kimberly, who is at -- we believe based on this
12 e-mail address is at Southeastern Children's Home.
13 Do you remember looking at this earlier?

14 A. I do.

15 Q. So I'm going to -- I'm going to look
16 specifically at the third paragraph of that e-mail.
17 You've got the salutation to Robert and then the
18 third paragraph after that begins with the words
19 would you be willing. Do you see that paragraph?

20 A. Yes, I do.

21 Q. And that first sentence there which we
22 talked about earlier, it said -- it says, quote:
23 Would you be willing for me to tell him, referring
24 to Mike Leach, Southeastern Children Homes and your
25 board's expectation that you'll recruit only among

1 the churches of Christ, end quote.

2 Do you remember talking about that?

3 A. Yes.

4 Q. And I guess what I wanted to get a
5 little bit of clarity on, and again recognizing
6 that you didn't write the e-mail but you're looking
7 at it with fresh eyes just like we are, is what
8 exactly we can discern from that.

9 And here's what I'm trying to get at,
10 is do you agree all that that section says is
11 that -- and we'll even assume that Mr. Lehman's
12 understanding was correct. We don't know that to
13 be true. He's referring to his understanding. But
14 even let's assume it to be correct just for the
15 sake of argument.

16 All we can learn from that statement is
17 that Southeastern Children's Home doesn't recruit,
18 they do not actively or proactively go out to seek
19 foster parents other than from the churches of God.

20 Is that a correct statement of what
21 that sentence says?

22 A. My understanding, that that sentence
23 says they would only recruit among the churches of
24 Christ.

25 Q. So we don't know from this e-mail, at

1 least, whether Southeastern Children's Home would
2 work with someone outside the churches of Christ
3 who came to them and applied? We can't tell that
4 from this e-mail, can we?

5 A. We cannot.

6 Q. And you don't have any independent
7 knowledge apart from this e-mail that Southeastern
8 Children's Home refuses to work with people outside
9 of that denomination, do you?

10 A. I don't have any additional information
11 or knowledge.

12 Q. And the same is true in regard to
13 sexual orientation, we don't know from this e-mail
14 what Southeastern Children Home's policy is if they
15 were to receive an application or an inquiry from
16 an LGBT person or same sex couple, do we?

17 A. I do not.

18 Q. Let's look next at the document that
19 was marked as Exhibit 13. And let me know when
20 you've got that in front of you.

21 A. I will.

22 MR. RIDDLE: Give me just a second.

23 THE WITNESS: Okay. I have it.

24 BY MR. COLEMAN:

25 Q. So this is an e-mail chain. The top

1 e-mail is from someone named Beth Williams and it's
2 to Reid Lehman. We've already -- we've already
3 previously discussed who those folks are. Scroll
4 down to Page 2 --

5 A. Okay.

6 Q. -- of this e-mail chain.

7 A. Okay. I'm there.

8 Q. Okay. So toward the top of Page 2,
9 this e-mail chain, we are in the middle of an
10 e-mail from Reid Lehman at MiracleHill.org to Beth
11 Williams at Epworth.

12 So on Page 2, I want you to look at --
13 it's the first paragraph at the top of Page 2.
14 Mr. Lehman says, quote: Would you be willing for
15 me to tell him, that's referring to Michael Leach,
16 about Epworth and your denomination's expectation
17 that you'll recruit heterosexual couples, close
18 quote.

19 Did I read that accurately?

20 A. You did.

21 Q. Do you remember talking about that
22 sentence in particular a little bit earlier with
23 Miss Janson, the Plaintiffs' lawyer?

24 A. Yes.

25 Q. So I want to ask you a couple of

1 similar questions to the one we just looked at a
2 few minutes ago, the e-mail to Robert Kimberly that
3 was marked as Exhibit 12.

4 So this one is an e-mail from Reid
5 Lehman to Beth Williams. Again, let's assume for
6 the sake of argument that Reid Lehman's
7 understanding of Epworth's policy is correct. We
8 don't know that to be true. We don't know what
9 Epworth's policy is. But for the sake of argument,
10 let's assume that Reid's correct about it.

11 Even with that assumption, is it
12 correct to say that the only thing we can discern
13 from that sentence or from this e-mail chain is
14 that Epworth does not actively proactively go out
15 recruiting, seeking other than heterosexual
16 couples? Is it right to say that's -- that's the
17 only thing we can figure out from that sentence of
18 this e-mail?

19 A. Yes.

20 Q. And relatedly, we don't know whether
21 from this e-mail or elsewhere what Epworth would do
22 if they received an application from an LGBTQ
23 person or from a same sex couple who is interested
24 in inquiring or applying, we don't know what
25 Epworth would do, do we?

1 A. No, not based on this e-mail, we do
2 not.

3 Q. And we don't know if, for example,
4 Epworth got an inquiry from a couple and it didn't
5 disclose their genders or that they were in the
6 same situation, we don't know if Epworth tries to
7 find that information out or asks or we don't know,
8 maybe they have a -- they just don't even ask, they
9 don't care, we don't know that, do we?

10 A. I don't think on the initial inquiry
11 that's known, but certainly as they work with the
12 applicants that becomes known.

13 Q. Sure. We can -- we can presume that
14 once they meet them in person and do a home study,
15 they'll probably figure out whether they were a
16 same sex couple. But we don't know, do we -- if in
17 the home study if Epworth figures out that someone
18 is a married or unmarried same sex couple, we -- we
19 just don't know what Epworth would do. They might
20 just continue on the process and work with them,
21 right?

22 A. That's true.

23 Q. And then let's take a look at Exhibit
24 14. Let me know when you've got that.

25 A. Okay. I have it.

1 kind of looked a little bit more precisely at what
2 they say and maybe more importantly what they don't
3 say, is it -- is your testimony from earlier
4 accurate that to your knowledge both in 2018 when
5 you wrote that letter to Miracle Hill regarding the
6 licensure and since then, that to your knowledge
7 other than Miracle Hill you are not aware of any
8 CPAs who will not work with foster parents or
9 prospective foster parents outside a particular
10 religion or outside of a particular sexual
11 orientation or marital status?

12 A. I'm not aware.

13 Q. And I recognize that was a very long
14 runoff sentence and I appreciate you hanging with
15 me through that. Give me just a moment. We can
16 stay on the record. I want to flip through my
17 notes and see if there is -- there might be one or
18 two more things to ask you about, but I think -- I
19 think we're drawing near to the end.

20 A. Okay.

21 Q. You said there have been instances in
22 the past where SCDSS has done community outreach,
23 I'll call it, for lack of a better term, community
24 outreach or awareness work or interest-generating
25 work at the request of a religious organization or

1 are LGBTQ+, everybody is welcome to participate in
2 the system, would you agree that that's an ideal
3 scenario?

4 A. I would agree.

5 Q. Would you agree that certain CPAs are
6 especially good at leveraging their own ties either
7 to their geographic community or to their faith
8 community in getting folks from either that area or
9 from that group to be interested in and apply to be
10 foster parents?

11 A. I would agree. And I think it's also
12 related to personal relationships with the
13 community at large and locally that we are able to
14 cross on lines and genders for people who want to
15 foster groups of people from different spectrums,
16 so I think that's really important for the children
17 that we're serving.

18 Q. So, for example, to my knowledge there
19 is not a specifically Jewish CPA that does, you
20 know, outreach to the Jewish communities across the
21 state. But if there were, do you agree that that
22 agency might be more effective than DSS when it
23 comes to reaching members of the Jewish community
24 of South Carolina and encouraging them and making
25 them willing and interested in becoming foster